

DAVID D. FISCHER, SBN 224900
LAW OFFICES OF DAVID D. FISCHER, APC
5701 Lonetree Blvd., Suite 312
Rocklin, CA 95765
Telephone: (916) 447-8600
Fax: (916) 930-6482
Email: david.fischer@fischerlawoffice.com

Attorney for Defendant
CHALONER SAINTILLUS

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,
v.

CHALONER SAINTILLUS,

Defendant.

Case No.: 2:20-cr-0213-KJM

**DEFENDANT'S MOTION IN
LIMINE #1 – MOTION TO
EXCLUDE REFERENCE TO
ALLEGED FIREARMS
POSSESSION**

I. STATEMENT OF RELEVANT FACTS

The government has provided discovery concerning the defendant purportedly being in possession of firearms. On June 9, 2020, the defendant was purportedly arrested by the Palm Beach Sheriff's Office for unlawful firearms possession. Additionally, the government executed a search warrant at a house it claims is the defendant's residence. During the search, law enforcement purportedly seized a firearm and ammunition.

II. EVIDENCE OF FIREARMS-RELATED EVIDENCE MUST BE EXCLUDED BECAUSE IT IS NOT RELEVANT.

The defendant is charged with using the Dark Web to sell controlled substances through the mail. He is not charged with any firearms-related offenses. Admitted evidence of possession of firearms and ammunition is not relevant and it is unfairly prejudicial. The government has filed a motion in limine seeking to admit certain other acts evidence. Firearms possession is not one of them. However, since firearms were referenced in discovery and seized as evidence during the search warrant, the defendant seeks to file this motion seeking exclusion of any reference to alleged possession of firearms and ammunition.

Evidence is relevant if it has a tendency to make a fact more or less probable than it would be without the evidence; and the fact is of consequence in determining the action. Fed R. Evid 401.

Here, the alleged possession of firearms and ammunition is not relevant because such possession does not have a tendency to make it more or less probable that the defendant committed the crimes he has been charged with, specifically the crimes that he allegedly sold drugs through the mail using the Dark Web to accept orders. Accordingly, the defendant seeks an order excluding the government from presenting any evidence of possession of firearms or ammunition by the defendant.

Dated: December 9, 2022

LAW OFFICES OF DAVID D. FISCHER, APC

/S/ David D. Fischer

DAVID D. FISCHER

Attorney for Defendant

CHALONER SAINTILLUS